

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**REGINA A. TAYLOR**  
23673 E. Fourth St.  
Grand Rapids, Ohio 43522

Plaintiff

v.

**WARD TRANSPORT & LOGISTICS  
CORP.**  
1436 Ward Trucking Dr.  
Altoona, PA 16603

and

**T&R WHOLESALE FLORIST, INC.**  
4005 Hatch Blvd.  
Sheffield, AL 35660

and

**HARVELL K. MARTIN**  
356 Bowden St.  
Tallapoosa, GA 30176

Defendants.

) Case No.: 3:21-cv-1798

)

) Judge:

)

) **COMPLAINT**

)

) *(Jury Demand Endorsed Hereon)*

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Now comes Plaintiff Regina A. Taylor, by and through undersigned counsel, and hereby submits this Complaint against Defendants Ward Transport and Logistics Corp., T&R Wholesale Florist, Inc. and Harvell K. Martin for injuries and damages arising from a clear liability semi-truck collision in which Defendant Martin failed to ensure the intersection was clear before

proceeding forward, causing him to strike Plaintiff Regina A. Taylor's vehicle. In support of her claims, Plaintiff states as follows:

**THE PARTIES**

1. Plaintiff Regina A. Taylor is an individual and a resident of Grand Rapids, Wood County, Ohio.
2. Defendant Harvell K. Martin is an individual and a resident of Tallapoosa, Haralson County, Georgia.
3. Defendant Ward Transport & Logistics Corp. ("Ward Transport") is a motor carrier operating commercial motor vehicles transporting property in interstate commerce under USDOT Number 84850. Upon information and belief, it is registered with the Federal Motor Carrier Safety Administration and is a business entity organized under the laws of the State of Pennsylvania, with its principal place of business in Altoona, Pennsylvania. It is licensed to do business in the State of Ohio and was in the process of transporting goods in Monroe Township, Henry County, Ohio at the time of the incidents alleged herein.
4. Defendant Ward Transport is listed under USDOT Number 2203143 on the Traffic Crash Report. However, upon information and belief, USDOT Number 2203143 is registered to T&R Wholesale Florist, Inc.
5. Defendant T&R Wholesale Florist, Inc. ("T&R") is a motor carrier operating commercial motor vehicles transporting property in interstate commerce under USDOT Number 2203143. Upon information and belief, it is registered with the Federal Motor Carrier Safety Administration and is a business entity organized under the laws of the State of Alabama, with its principal place of business in Sheffield, Alabama. It is licensed to do business in the State

of Ohio and was in the process of transporting goods in Monroe Township, Henry County, Ohio at the time of the incidents alleged herein.

### **JURISDICTION AND VENUE**

6. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
7. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because Plaintiff's citizenship is diverse from the Defendants' citizenship and because the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).
8. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the incident and injury described herein occurred in Monroe Township, Henry County, Ohio, which is located in this judicial district.

### **FACTUAL ALLEGATIONS**

9. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
10. On or about January 13, 2020, Plaintiff Regina A. Taylor was a passenger in a motor vehicle traveling northbound on St. Rt. 109 in Monroe Township, Henry County, Ohio.
11. At the same time, Defendant Harvell K. Martin was operating a semi-truck eastbound on St. Rt. 281 in Monroe Township, Henry County, Ohio, and was stopped at the stop sign for the intersection of St. Rt. 109, then negligently proceeded into the intersection into the path of Plaintiff Regina A. Taylor's vehicle.
12. Defendant Martin did not see Plaintiff Regina A. Taylor's vehicle and thus, struck the passenger side of her vehicle after negligently proceeding into the intersection.

13. At all relevant times, the vehicle operated by Defendant Martin was individually or jointly owned, operated, leased, and/or controlled by Defendant Ward Transport and/or Defendant T&R.
14. At all relevant times, Defendant Martin was acting in the course and scope of his employment and/or agency with Defendant Ward Transport and/or Defendant T&R.
15. Plaintiff Regina A. Taylor was transported by ambulance to Henry County Hospital where she began treating for serious personal injuries to her chest, left arm, left elbow, left foot, neck, and head for a concussion.
16. The Henry County Sheriff responded to the scene and cited Defendant Martin for failure to stop at a clearly marked stop line, a violation of Ohio Revised Code 4511.43(A).

**FIRST CAUSE OF ACTION**  
***(Negligence – Defendant Harvell K. Martin)***

17. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
18. Defendant Harvell K. Martin had a duty to exercise ordinary care and caution for the safety and welfare of others in the operation of a commercial motor vehicle, including by driving the tractor-trailer in a safe and reasonable manner, avoiding collisions, maintaining reasonable control and speed of the vehicle, and by adhering to the laws of the State of Ohio, the Federal Motor Carrier Safety Act, the Federal Motor Carrier Safety Regulations, and the rules of common law.
19. Defendant Martin breached his duties of care and was negligent by failing to stop at a clearly marked stop line at the stop sign, failing to see Plaintiff's vehicle and by colliding with Plaintiff Regina A. Taylor's vehicle.

20. As a direct and proximate cause of Defendant Martin's negligence, Plaintiff Regina A. Taylor sustained serious personal injuries, including but not limited to injuries to her chest, left arm, left elbow, left foot, neck, and head for a concussion.
21. These injuries required medical care and caused Plaintiff Regina A. Taylor to incur substantial medical and hospital care costs, lost wages along with other economic loss, and also caused pain and suffering, mental anguish, and emotional distress.

**SECOND CAUSE OF ACTION**

***(Vicarious Liability – Defendant Ward Transport and Logistics Corp)***

22. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
23. At all relevant times, Defendant Martin was the employee, agent, servant, or independent contractor of Defendant Ward Transport. Accordingly, Defendant Ward Transport is vicariously liable for the acts of Defendant Martin described herein.
24. Regardless of the employment or agency relationship, Defendant Ward Transport is an interstate motor carrier and the registered owner or operator of the commercial motor vehicle driven by Defendant Martin and is therefore responsible for the acts of the Defendant-driver.

**THIRD CAUSE OF ACTION**

***(Vicarious Liability – Defendant T&R Wholesale Florist, Inc.)***

25. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
26. At all relevant times, Defendant Martin was the employee, agent, servant, or independent contractor of Defendant T&R. Accordingly, Defendant T&R is vicariously liable for the acts of Defendant Martin described herein.

27. Regardless of the employment or agency relationship, Defendant T&R is an interstate motor carrier and the registered owner or operator of the commercial motor vehicle driven by Defendant Martin and is therefore responsible for the acts of the Defendant-driver.

**FOURTH CAUSE OF ACTION**  
***(Negligence – Defendant Ward Transport and Logistics Corp)***

28. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

29. Defendant Ward Transport had a duty to act reasonably in hiring, instructing, training, supervising, and retaining all drivers operating under its federal motor carrier operating authority and other employees and agents, including Defendant Martin, and to promulgate and enforce policies, procedures, and rules to ensure that its drivers and vehicles were reasonably safe.

30. Defendant Ward Transport had a duty to exercise reasonable care in all its actions and omissions.

31. Defendant Ward Transport had a duty to exercise reasonable care in entrusting its vehicles and equipment to responsible, competent, and qualified drivers.

32. Defendant Ward Transport failed in the above-mentioned duties and was therefore negligent.

33. Defendant Ward Transport's negligence was the direct and proximate cause of the injuries and damages described in this Complaint.

**FIFTH CAUSE OF ACTION**  
***(Negligence – Defendant T&R Wholesale Florist, Inc.)***

34. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

35. Defendant T&R had a duty to act reasonably in hiring, instructing, training, supervising, and retaining all drivers operating under its federal motor carrier operating authority and other employees and agents, including Defendant Martin, and to promulgate and enforce policies, procedures, and rules to ensure that its drivers and vehicles were reasonably safe.
36. Defendant T&R had a duty to exercise reasonable care in all its actions and omissions.
37. Defendant T&R had a duty to exercise reasonable care in entrusting its vehicles and equipment to responsible, competent, and qualified drivers.
38. Defendant T&R failed in the above-mentioned duties and was therefore negligent.
39. Defendant T&R's negligence was the direct and proximate cause of the injuries and damages described in this Complaint.

WHEREFORE, Plaintiff Regina A. Taylor prays for judgment against Defendant Ward Transport & Logistics Corp., Defendant T&R Wholesale Florist, Inc., and Defendant Harvell K. Martin in an amount exceeding Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs, reasonable attorney fees associated herewith, and such other and further relief as the Court may deem just.

Respectfully submitted,

/s/ Charles E. Boyk  
Charles E. Boyk (0000494)  
Andrea R. Young (0096334)  
Michael A. Bruno (0033780)  
Attorneys for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues triable by right.

/s/ Charles E. Boyk  
Charles E. Boyk (0000494)  
Andrea R. Young (0096334)  
Michael A. Bruno (0033780)  
Attorneys for Plaintiff